

R E M A R K S

Reconsideration of this application is respectfully requested.

At the bottom of page 5 of the Final Office Action (the "Response to Arguments"), the Examiner responds to the previously submitted arguments for patentability by stating "[n]owhere in the claim does Applicant claim for a deformed output waveguide."

It is respectfully pointed out however, that according to independent claim 1:

the output optical waveguide of the optical modulator is formed while being deformed in order to secure a space for mounting the monitor photodetector such that at least one of optical axes of the radiant light beams in a substrate facet located on the output optical waveguide and an edge portion of the output optical waveguide are separated from each other by a predetermined distance. (Claim 1, lines 38-45, in the Amendment filed on April 23, 2008. Emphasis added.)

Accordingly, it is respectfully submitted that claim 1 does patentably distinguish over USP 6,587,604 ("Yamauchi") as explained in the Amendment filed on April 23, 2008.

That is, as explained in the Amendment filed on April 23, 2008, in contrast to the structure recited in claim 1, Yamauchi discloses a structure in which an optical-spot conversion part 23 is provided between an optical modulator 26 and an optical absorption layer 24, and wherein a monitor photodetector 27 is provided on the surface of the substrate 21A

above the optical absorption layer 24. See Fig. 7 of Yamauchi. According to the teachings of Yamauchi, providing the optical-spot conversion part 23 realizes an efficient optical coupling between the optical modulator 26 and the optical absorption layer 24, and also between the optical modulator 26 and the monitor photodetector 27. See column 6, lines 20-63 of Yamauchi.

Accordingly, it is again respectfully submitted that the structure disclosed in Yamauchi and the structure of the present invention as recited in amended claim 1 are completely different from each other in terms of the arrangement of the monitor photodetector and in terms of the operation of the monitor photodetector (i.e., the kind of light received by the monitor photodetector).

In addition, it is respectfully submitted that Yamauchi does not at all disclose or suggest the features of the present invention as recited in amended claim 1 whereby the monitor photodetector is disposed outside the substrate except on the one surface side of the substrate (i.e., not on the surface side of the substrate where the optical waveguide is formed, as recited in claim 1), and whereby the output optical waveguide is formed with a deformation ("formed while being deformed" as recited in claim 1) such that at least one of the optical axes of two radiant light beams in a substrate facet is apart from the edge

of the output optical waveguide by a predetermined distance in order to secure a space outside the substrate for mounting the monitor photodetector.

Accordingly, it is respectfully submitted that the present invention as recited in amended claim 1 and claims 2-11 depending therefrom clearly patentably distinguishes over Yamauchi under 35 USC 102 as well as under 35 USC 103.

* * * * *

In view of the foregoing, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

DH:iv